

Claim Rejections - 35 USC §103

The Examiner rejected claims 1-6 under 35 USC §103(a) as being unpatentable over Fan et al. in view of Wen. Applicant respectfully submits that claims 1-6 are patentable over Fan in view of Wen.

As to claim 1, neither Fan nor Wen disclose “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank” or “creating a digital layout using all of the plurality of sections” as recited in claim 1.

First, Fan does not disclose “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank” as recited in claim 1. Fan is directed to a technique for compressing a digital image and discloses nothing about segmenting an image into sections that are sized to fit on a laminate flooring plank. The portion of Fan cited by the Examiner (column 3, lines 19-20 and 25-27) discloses segmenting the light intensity signals in a digital image into upper and lower subsets. Similarly, Wen is directed to organizing and producing layouts and labels for photo albums and does not disclose anything about segmenting digital images at all.

Second, Fan does not disclose “creating a digital layout using all of the plurality of sections” as recited in claim 1. In fact, Fan does not disclose creating a digital layout at all. The portion of Fan cited by the Examiner (column 4, lines 63-65) is merely a definition of a “scanned image.” As discussed above, Fan discloses segmenting the light intensity signals in a digital image into upper and lower subsets and does not disclose creating a digital layout using these subsets. Similarly, since Wen does not disclose segmenting digital images into sections at all, it cannot disclose creating a digital layout using the sections.

Therefore, even if such a combination as Fan and Wen were made, the purported combination still would not disclose all of the elements recited in claim 1.

Claims 2-6 are dependent on claim 1, therefore, for the reasons stated above claims 2-6 are also patentable over Fan in view of Wen. In addition, as to claim 3, neither Fan nor Wen disclose “arranging the plurality of sections so that they fit on a sheet of base material and there are predetermined spaces between each section” as recited in claim 3. As discussed above, the “sections” created in Fan are upper and lower subsets of light intensity signals from a digital image that are used to compress the digital image. Fan does not disclose arranging these subsets so that they can fit on a sheet of base material or leaving predetermined spaces between these sections. The references from Fan cited by the Examiner (references 10, 12, 14, and 16) do not disclose arranging the sections to fit anywhere. Reference 10 is a pixel map, or the digital image itself, references 12 and 14 are the upper and lower planes that contain the segmented light intensity signals discussed above, and reference 16 is a selector plane that keeps track of which segments were placed into planes 12 and 14 so that the image can be recreated. Similarly, the portion of Fan cited by the Examiner (column 5, lines 9-11) does not disclose arranging sections with predetermined spaces in between each section. All this section states is that the planes 12 and 14 contain pixels that have been separated based upon a pre-defined criteria (the light intensity signals).

Finally, Applicant submits that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Fan and Wen references.

First, the Fan and Wen references are completely unrelated. Fan discloses a technique for compressing a digital image, while Wen discloses a method for organizing and producing layouts

and labels for photo albums. These fields are completely unrelated and it would not have been obvious to combine technology from one into the other.

Second, there is no suggestion or motivation in Fan to modify the method for compressing digital images to includes the steps of resizing and sharpening the image as disclosed in Wen.¹ In fact, adding these steps would make no sense. Fan discloses a method of compressing a digital image and formatting/enhancing the image (i.e. resizing or sharpening the image) has nothing to do with compressing a digital image.

Therefore, Applicant respectfully submits that claims 1-6 are allowable over Fan in view of Wen.

The Examiner also rejected claims 7-12 under 35 USC §103(a) as being unpatentable over Fan in view of Wen and further in view of Sekulla et al.. Applicant respectfully submits that claims 7-12 are patentable over Fan in view of Wen and further in view of Sekulla.

As to claim 7, neither Fan, Wen, nor Sekulla disclose: (1) “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank”; (2) “creating a digital layout using all of the plurality of sections”; (3) “securing the printed digital layout to a sheet of base material”; (4) “dividing the sheet of base material, with the printed digital layout secured thereon, into a plurality of flooring planks”; or (5) “assembling the plurality of flooring planks in a predetermined order and alignment to reproduce the digital image on the laminate floor” as recited in claim 7.

First, as discussed above, neither Fan nor Wen disclose “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank” or

¹ See MPEP 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (...Although a prior art device “may be capable of being modified to run the way

“creating a digital layout using all of the plurality of sections” as recited in claim 7. In addition, Sekulla is directed to a tool and method for installing a floor and discloses nothing about segmenting digital images or creating layouts using those images.

Second, neither Fan, Wen, nor Sekulla disclose, and Examiner does not assert in the Office Action that they do disclose, “securing the printed digital layout to a sheet of base material” nor “dividing the sheet of base material, with the printed digital layout secured thereon, into a plurality of flooring planks” as recited in claim 7.

Third, neither Fan, Wen, nor Sekulla disclose “assembling the plurality of flooring planks in a predetermined order and alignment to reproduce the digital image on the laminate floor” as recited in claim 7. As noted by the Examiner, neither Fan nor Wen disclose this claim element. In addition, Sekulla is directed to a tool and method for installing a standard floor and does not disclose that the flooring planks have to be assembled in any predetermined order or that the assembly of the flooring planks will reproduce a digital image on the laminate floor.

Therefore, even if such a combination as Fan, Wen, and Sekulla were made, the purported combination still would not disclose all of the elements recited in claim 7.

Claims 8-12 are dependent on claim 7, therefore, for the reasons stated above claims 8-12 are also patentable over Fan in view of Wen and further in view of Sekulla. In addition, as to claim 9, neither Fan, Wen, nor Sekulla disclose “arranging the plurality of sections so that they fit on a sheet of base material and there are predetermined spaces between each section” as recited in claim 9. As discussed above, neither Fan nor Wen disclose this element. In addition, Sekulla discloses a tool and method for installing flooring and discloses nothing about arranging section of a digital image to fit on a sheet of base material with spaces between the sections.

the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.”...))”

Finally, Applicant submits that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Fan, Wen, and Sekulla references.

First, the Fan, Wen, and Sekulla references are completely unrelated. Fan discloses a technique for compressing a digital image, Wen discloses a method for organizing and producing layouts and labels for photo albums, and Sekulla discloses a tool and method for installing flooring. These three fields are completely unrelated and it would not have been obvious to combine technology from one into the others.

Second, as discussed above, there is no suggestion or motivation in Fan to modify the method for compressing digital images to include the steps of resizing and sharpening the image as disclosed in Wen or the floor installation tool or method as disclosed in Sekulla, as all of these inventions and their related fields are completely unrelated.²

Therefore, Applicant respectfully submits that claims 7-12 are allowable over Fan in view of Wen and further in view of Sekulla.

The Examiner also rejected claim 13 under 35 USC §103(a) as being unpatentable over Fan et al. '844 in view of Wen '048 and Sekulla et al. '579 and further in view of Katsuhiro et al. '306. Applicant respectfully submits that claim 13 is patentable over Fan in view of Wen and Sekulla and further in view of Katsuhiro.

Neither Fan, Wen, Sekulla, nor Katsuhiro disclose: (1) “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank”; (2) “creating a digital layout using all of the plurality of sections”; (3) “dividing the sheet of base

² See MPEP 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (...Although a prior art device “may be capable of being modified to run the way

material, with the printed digital layout secured thereon, into a plurality of flooring planks”; or (4) “assembling the plurality of flooring planks in a predetermined order and alignment to reproduce the digital image on the laminate floor” as recited in claim 13.

First, as discussed above, neither Fan, Wen, nor Sekulla disclose “segmenting the digital image into a plurality of sections, wherein each section is sized to fit on a laminate flooring plank” or “creating a digital layout using all of the plurality of sections” as recited in claim 13. In addition, Katsuhiro is directed to a process for preparing a printed can and discloses nothing about segmenting digital images to fit on a laminate flooring plank or creating layouts using those images.

Second, neither Fan, Wen, Sekulla, nor Katsuhiro disclose, and Examiner does not assert in the Office Action that they do disclose, “dividing the sheet of base material, with the printed digital layout secured thereon, into a plurality of flooring planks” as recited in claim 13.

Third, neither Fan, Wen, Sekulla, nor Katsuhiro disclose “assembling the plurality of flooring planks in a predetermined order and alignment to reproduce the digital image on the laminate floor” as recited in claim 13. As noted by the Examiner, neither Fan nor Wen disclose this claim element and, as discussed above, Sekulla also does not disclose this element. In addition, Katsuhiro is directed to a process for preparing a printed can and does not disclose anything about the assembly of flooring planks.

Therefore, even if such a combination as Fan, Wen, Sekulla, and Katsuhiro were made, the purported combination still would not disclose all of the elements recited in claim 13.

the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.”...))”)

Finally, Applicant submits that it would not have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Fan, Wen, Sekulla, and Katsuhiro references.

First, the Fan, Wen, Sekulla, and Katsuhiro references are completely unrelated. As discussed above, Fan discloses a technique for compressing a digital image, Wen discloses a method for organizing and producing layouts and labels for photo albums, Sekulla discloses a tool and method for installing flooring, and Katsuhiro discloses a process for preparing a printed can. These four fields are completely unrelated and it would not have been obvious to combine technology from one into the others.

Second, as discussed above, there is no suggestion or motivation in Fan to modify the method for compressing digital images to includes the steps of resizing and sharpening the image as disclosed in Wen, a floor installation tool or method as disclosed in Sekulla, or a process for preparing a printed can as disclosed in Katsuhiro, as these inventions and their related fields are completely unrelated.³

Therefore, Applicant respectfully submits that claim 13 is allowable over Fan in view of Wen and Sekulla and further in view of Katsuhiro.

Objection to Claim 14

The Examiner objected to claim 14 as being dependent upon a rejected base claim. Claim 14 is dependent on claim 7. As discussed above, Applicant respectfully submits that claim 7 is allowable over Fan in view of Wen and further in view of Sekulla and therefore respectfully requests that this objection be withdrawn.

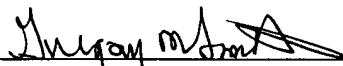
³ See MPEP 2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680,

Conclusion

In view of the aforesaid, Applicant respectfully submits that claims 1-14 are in condition for allowance and a Notice of Allowance for these claims is respectfully requested.

Respectfully submitted,

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16 USPQ2d 1430 (Fed. Cir. 1990) (...Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so."...)"